App. F. IX-4

Previous References.

1947.8
(LB)

File No. 92-47
Serial Nos. 1-2.

Later References.

Destroy Preserve
LB 4
28.3.62
P-28

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Two.

Part B for June 48.

SUBJECT

Draft rules providing for Compounding of offences & withdrawal of prosecutions, Coming under bye-laws of the Boards.

El 2 To, The Compiler. H. G.
The pt. H. A. S. Bd

Order No LB 8730. d. 26. 6. 48.

"Notification issued"

am Jam 1/2/49

Subject: Draft rule to the existing Bye laws of the H.A.C.S. Bd. (1)

General and Revenue Secretariat | File No: 117/K of 194 | [App. F. III–2

Serial No.

Letter no H.C. 306/44-45 dated 29th June 45 from the President H.A.C.S. Bd requesting sanction to the resolution of the Bd for adding one sub rule relating to the Compounding of offences & withdrawal of prosecutions to the existing Bye laws of the Bd.

1) The H.A.C.S. Board have proposed and approved at their meeting held on 24/5/45, of adding one sub-rule to the existing rule no 9 of the existing Bye laws of the Board with a view to making provision in the Bye laws for the Compounding of offences & withdrawal of prosecutions sanctioned in Sl. no 2 of 7346 UB 63-43 dt 20.12.44

The President, H.A.C.S. Bd requests sanction to the resolution of the Bd. Submitted for approval or other orders.

H.L. 30/8.

2) Mr Quinn of the Secretariat will be examined in the matter.

3) Yes. Issue order.

30/8

Done 31/8

E. May

ADDITIONAL SECRETARY No. 1330 Date 31/8 TO GOVERNMENT OF MYSORE

NOTE—Contn. Sheet.

Sc... No.

5.5.65 CLAD.

92

252/GAD. 10.11.65.

U.O.No. 144/DMD Dated 8th November 65.

Returned with compliments.

On what particular point my opinion is called for is not clear. As proposed sub-rule No.4(a), (b), and (c) as additions to the of the Minister ... Craft Sanitary ... involve no financial implications, since all fines ... for the breach of any byelaw made under the ..., when recovered, has to be credited to the funds of the Hindustan Air Craft Sanitary Board, as per existing sub rule 3 of Rule 8. As to the legal aspect of the question, the Law Secretary may kindly be consulted. Any-way as the proposed sub-rule is somewhat similar to provisions made under section

117

Comptroller's Office, | File No. of 19___.

Serial No.

section 60 of Mysore District Boards Act III of 1926 and also sections 194 and 245 of the Regulation VII of 1933 of the Mysore City Municipalities, it appears to call for a slight modification, as suggested below:-

6) 1. As the imposition of fine for every breach of a byelaw under the rules is limited to Rs.100/- under the existing sub-rule 2 of Rule 8 the President's proposed power to levy a fee not exceeding Rs.200/- while compromising or compounding offences under clause (c) of Sub rule 4 of Rule 8 will not be in conformity therewith, and appears to call for a reduction limiting it also to Rs.100/-.

7) 2. In the rules to be made, the offences that are compoundable are to be specified and declared by Government.

8) 3. Rules to regulate the proceedings of the President of the Board so empowered to compromise offences are also to be introduced.

Since the Municipal Commissioner under section 245 (3) of Municipal Regulation can exercise the power of the Municipal Council under provisions of section 194, it is open to Government to invest the President of Hindustan Air Craft Sanitary Board - (who is at present Deputy Commissioner, Bangalore District) with similar powers so long as an official of the status of a District Magistrate holds that post. In other cases, the Board, which will have the power vested in itself, will have to delegate its being exercised by the President.

M Shamanna

COMPTROLLER.

543/M. 370/Land. (4

Hindustan Aircraft Sanitary Board Rules – Amdt. of Rule 8.

that when such a notification is issued under S. 102 (1) Govt. may make rules to provide for any matter dealt with by the provisions of the Act (Dt Bds Act) the proposed amendment to Rule 8 (to provide for confirmation) is covered by Section 60 of the Dt Boards Act and S. 63 (2) of the V.P Act. The proposed amendment may therefore be made provided the amount of a monthly allowance to be fixed in accordance with the provisions thereof.

A/ The legislation such a way perhaps to be consulted. A. This may be done.

29/11

Legn Br)

NMH
28.11.45.
JW 2.V.

[illegible] ION BRANCH

Sub:
Sections 58 B of the Mysore Village Panchayet Act 1926 and Section 102 (1) of the Mysore District Boards Act, 1926, prescribe that the rules framed

Serial No.

12) B. Yes.
Asst. Secy. L.S.G.) fr 15/12

Submitted.

13) In view of the above rates it would appear necessary to ascertain further information as from the Board on the following points viz. whether the levy of fees proposed in the bye laws may not be limited to Rs 100/- as under Sub Rule (2) of Rule 8 the fine to be levied is limited to Rs 100/-

14) whether it is not necessary to specify offences that could be compounded or compromised.

15) whether withdrawal from prosecutions is a power vested in the magistrates. At present the Dy. C. of magistrate can withdraw from prosecutions. In the event of a person behaving not having a

NOTE—Contn. Sheet.

Rules framed by the Hindustan Air
Sanitary B 1738 543 1170 1532
RL RL 43. (8

20) Resubmitted for Orders.
4/3
MM

21) May be sent to the
Legis. section for further remarks
regarding para

22) Yes. 18/3/48
16/3/48
MM 16/3/48

Mr. T.V. Legis Section)

23) The file does not contain a copy of the Hindustan Aircraft Sanitary Board Rules

24) The administrative section is requested to put up a copy of the same for reference.

25) For kind Compliance.
24.
24/4/48
Mas
26.4.48
Asst Secy. (Aerial Boards Branch)
BDM 27/4
MM 28/4/48

26) A copy of the rules referred to at Paras 24 and 25 are placed below. Submitted. The file may now be marked to the Legis. Section.

Fl. "Z"

28/4
MM
MM 28/4/48

Mr. T.V. Legis Sec)

27) The proposed sub rule 4(a)(b) to rule 8 of the Hindustan Aircraft Sanitary Board Rules seeks

Addition of rule 4 (a) (b) & (c) to Rule 8 of the H.A.S.B. rules (18

and to withdraw from prosecution

30) There appears to be no legal objection for investing these powe in the president

31) 2. The said Acts contain provisions authorising the local body concerned, (a) to compromise (b) to compound and (c) to withdra from prosecution

32) The proposed sub-rule makes no specific provision for compounding offences though the expression "compound fees" is used in clause (b)

33) The term "compromise" is generally applied to cases involving civil liability and the term "compound" is employed in respect of offence involving criminal liability further, under the criminal law, the power to compound offences is limited only to certain specific offences Even under the District Board Act and the Village panchayet Act, Government may, by rule

Submitted 1738/RR

Circumstances relating to compromising, ~~withdraw~~ and compounding offences and withdrawing prosecutions are clearly laid down in section 60, and since sub-section (2) of section 102 ~~also~~ of the Mysore District Boards Act, 1926, also contemplates only the ~~framing~~ making of rules to provide for any matter dealt with in that Act, it is perhaps more appropriate to ~~follow~~ the wording in section 60 (1) although the President of the ~~District~~ Board ~~is~~ may be invested with the power contemplated by the rule.

3) A revised draft is put up for Consideration.

Mas
18-5-48.

Law Secy
19/5

3a) Rev Secy
MC

21.5-
22/5

SECRETARY, LAW DEPARTMENT
7011
19 MAY 1948
GOVT OF MYSORE

REVENUE SECRETARY
No. 24/5
GOVT OF MYSORE

GENERAL & REVENUE SECRETARIAT
6048
26 MAY 1948
BRANCH

LB(Br)

3a) Submitted for Orders, ~~&~~ the revised draft Modifn. put up by the Legis Br. ~~is~~ is for appe or Other Orders.

Draft Notification

23/5.

OFFICE OF THE HOME MINISTER
No. 6108
2 JUN 1948

4a) Rev Secy

4b) Minister (Home) 4/6. Mar

14

Office of the President,
Hindustan Aircraft Sanitary Board,
Bangalore, 16th June 1945.

No: H.S. 306

GEN. & REV. SECRETARIAT. 1173 4 JUL 1945 L.S.G. BRANCH.

From

N. Madhava Rao, Esq., B.A.,
President, Hindustan Aircraft
Sanitary Board, Bangalore.

SECY. LAW DEPT. 20 JUN 1945 GOVT OF MYSORE

To

C. Narayanaswamy Naidu, Esq., B.A.,B.L.,
Secretary to Government, Law Department,
Bangalore.

Sir,

I have the honour to state that at present there is no provision in the rules of the Board for the compounding of offences or withdrawal of prosecutions and the addition of a sub rule to rule 8 of the existing rules sanctioned in G.O.No: L.7346-V.P. 63-43-2 dated 19th January 1945, has therefore been proposed and approved by the Board at its meeting held on the 24th May 1945. A copy of the resolution of the Board along with the proposed sub rule, is enclosed. I request that sanction of Government may kindly be obtained to the resolution.

I have the honour to be,
Sir,
Your most obedient servant,

N. Madhava Rao

PRESIDENT

KSR

(15

Proceedings of the Hindustan Aircraft Sanitary Board, met on the 24th May 1945 at 10 A.M.

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xxx xxx xxx

Subject No: 4. To approve of draft rules providing for compounding of offences and withdrawal of prosecutions, coming under byelaws of the Board.

'APPROVED'

xxx xxx xxx

Sd. N. Madhava Rao,

PRESIDENT

'COPY'

N. Madhava Rao

PRESIDENT,
20-6-1945.

KSR

HINDUSTAN AIRCRAFT SANITARY BOARD, BANGALOR

Add the following as Sub rule (4) to rule 8 of the ... fram for the administration of the Board, sanctioned in G.O.No: L.7346-53-43-2 dated 19th January 1944.

"4(a) The President of the Board shall have power to compro with any person who has committed an offence punishable under any of the byelaws or rules of the Board, and on such compromise, no proceedings shall be taken or pursued against such person in respe of such offence.

(b) The President of the Board shall have power to withdra from prosecutions instituted under the rules and byelaws of the Boa subject to the levy of compounding fees as provided hereunder.

(c) The President shall have power while so compromising or withdrawing from any prosecution, the power of levying from the person compromised with or in favour of whom, the prosecution insti tuted is to be withdrawn, a fee not exceeding Rs. ~~200~~ 100/- for every such compromise or withdrawal from prosecution."

N. Mallaya

President,
H. A. Sanitary Board.

KSR

C. No. .....
Ref. on Pet. No. ..... } 19 —19
App. No. .....

Dis. No.

Enclosure..... Dated.....
Approved on .....
Copied on ..... by .....
Examined on..... by.....
Signed on..... Despatched on .....
Entered in--
Current Petition Appeal } Register on .....
By.....
Periodical

Reminded on .....

WD 0639—GPB—75,000—15-6-45

DRAFT

To 4.2799 d. 19.8.47

The President
HAF Board
Bangalore

Docket Abstract.

Sir,

With reference to your letter No HC 206 dated 27th June 1945 in the matter of introducing a sub rule to the rules governing the HAF Sanitary Board in the matter of compounding and compromising offences, I am directed to state that under sub rule (2) of Rule 8 of the notification dated the 19th June 1944, the levy of a bond is limited to Rs 100/- only, while it is now proposed that in case of petty compounding and compromising offences a fee upto Rs 200/- is proposed to be levied. It may kindly be stated in whether the fee to be levied under the

LB92-47-1

Office of the President,
H.A.Sanitary Board,
Dated the IIth October 47

From

A.C.Nirvani Gowda,Esq, B.A.,
PRESIDENT,
H.A.Sanitary Board.

To

S.Abdul Aleem,Esq., B.A.,
Secretary to Government,
Revenue Department,Bangalore.

Sir,

With reference to your letter No.L 2799 dated I9-8-47 calling for certain information in the matter of introducing a sub-rule to the rules governing the H.A.Sanitary Board regarding compounding and compromising offences, I have the honour to state that the compounding fee may be reduced to Rs.IOO/-. In the cases launched by the Board, the Board is the complainant as in Municipal cases. After the President orders the withdrawal the same will be communicated to the Magistrate who will permit the withdrawal under section 248 Criminal Procedure Code. As such the President may be empowered to

12 Apps LB 8780/ LB 92-47-2 (20 abd)

Notification 26-6-48

In exercise of the powers conferred by sub-section (2) of section 58 of the Mysore Village Panchayet Act, 1926 (II of 1926) and sub-section (2) of section 102 of the Mysore District Boards Act, 1926 (III of 1926), the Government of His Highness the Maharaja are pleased to direct that the following further amendment shall be made in the rules published in Notification No. L. 7346-V.P. 63-43-2, dated the 19th January 1964, as subsequently amended, namely:—

After rule 11 of the said Rules, the following rule shall be inserted, namely:—

"11A. (1) The President of the Board may—

(a) compromise with any person who, in the opinion of the Board, has committed an offence punishable under any of these rules or any bye-law thereunder, and on such compromise, no proceedings shall be taken against such person in respect of such offence;

(b) withdraw from prosecutions instituted under these rules or under any bye-law thereunder;

(c) compound any offence against these rules or

[illegible] offence, [illegible]
with or [illegible]
case instituted, [illegible]
exceeding one hundred rupees [illegible]
Such compromise, withdrawal from prosecution
or compounding of an offence."

By order,

9/6
Secretary to the Government,
Revenue Department.

Mas.
18.5.48.

Memo [illegible]

(22

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. LB8720/RB92-47-2 General and Revenue Secretariat,

Dated Bangalore, 26th June 1948

NOTIFICATION

In exercise of the powers conferred by sub Section (2) of Section 88B of the Mysore Village Panchayet Act, 1926 (II of 1926) and Sub Section (2) of Section 108 of the Mysore District Boards Act, 1926 (III of 1926), the Government of His Highness the Maharaja are pleased to direct that the following further amendment shall be made in the rules published in Notification No. L.7346-V.P.63-43-2 dated the 19th January 1944, as subsequently amended, namely:-

After rule 11 of the said rules, the following rule shall be inserted, namely :-

"11 A. (1) The President of the Board may -

(a) compromise with any person who, in the opinion of the Board, has committed an offence punishable under any of these rules or any bye-law thereunder, and on such compromise, no proceedings shall be taken against such person in respect of such offence;

(b) withdraw from prosecutions instituted under these rules or under any bye-law thereunder;

(c) compound any offence against these rules or any bye-law made thereunder.

(2) The President of the Board may, while compromising with any person or withdrawing from any prosecution or compounding any offence, accept from the person compromised with or against whom proceedings are instituted, a sum of money not exceeding one hundred rupees for every such compromise, withdrawal from prosecution or compounding of an offence."

By Order,

Secretary to Government,
Revenue Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Mysore Gazette and supply of 30 copies to the President, Hindustan Air Craft Sanitary Board.

mk12.